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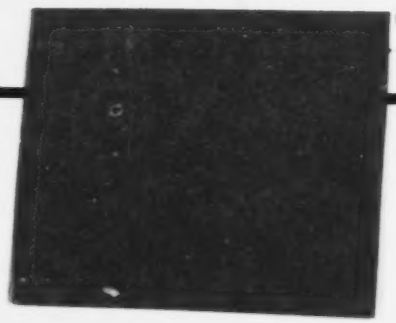

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
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INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

Report of the Secretary-General

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INTRODUCTION

1. Pursuant to General Assembly resolution 49/159 of 23 December 1994, the Commission on Crime Prevention and Criminal Justice, at its fifth session, continued to review the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994 (A/49/748, annex, chap. I, sect. A). On the recommendation of the Commission, the Economic and Social Council adopted resolution 1996/27 of 24 July 1996, in which it requested the Secretary-General to assist in the implementation of the Naples Political Declaration and Global Action Plan, and to continue collecting and analysing information on the structure, dynamics and other aspects of all forms of organized transnational crime, with the assistance of Member States, other entities of the United Nations system, as well as relevant intergovernmental and non-governmental organizations, and to provide advisory services and technical assistance to requesting Member States in needs assessment, capacity-building and training, and to develop training manuals for specialized law enforcement and investigative personnel on action against organized transnational crime.

2. The Economic and Social Council also requested the Secretary-General to make a thorough analysis of the views of Governments on the possibility of elaborating a convention or conventions against organized transnational crime, taking into account, *inter alia*, the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime (E/CN.15/1996/2/Add.1, annex); to make proposals on the action that would be appropriate; and to make proposals for the undertaking of practical activities by States to implement the Naples Political Declaration and Global Action Plan; and decided that the Commission on Crime Prevention and Criminal Justice should establish an in-sessional working group at its sixth session for the purpose of considering the report and proposals of the Secretary-General, identifying practical activities for effectively implementing the Naples Political Declaration and Global Action Plan and considering the possibility of elaborating a convention or conventions against organized transnational crime and identifying elements that could be included therein.

3. On 12 December 1996, the General Assembly adopted resolution 51/120, in which, taking note of the proposed draft United Nations framework convention against organized crime introduced by the Government of Poland (A/C.3/51/7, annex), it requested the Secretary-General to invite all States to submit their views on the question of the elaboration of an international convention against organized transnational crime, including, *inter alia*, their comments on the proposed draft United Nations framework convention; and requested the Commission on Crime Prevention and Criminal Justice to consider, as a matter of priority, the question of the elaboration of an international convention against organized transnational crime, with a view to finalizing its work on the question as soon as possible, and to report through the Economic and Social Council to the Assembly at its fifty-second session on the result of its work on the question.

4. The present report contains information provided by 24 States (Austria, Belarus, Bosnia and Herzegovina, Brazil, Chile, Colombia, Cook Islands, Cyprus, Czech Republic, Denmark, Estonia, Finland, Greece, Guatemala, India, Japan, Mexico, Morocco, Poland, Saudi Arabia, Slovakia, Spain, Turkey and United States of America) and by 16 out of 31 United Nations entities, affiliated regional institutes for the prevention of crime and the treatment of offenders affiliated and associated institutes, and intergovernmental and non-governmental organizations, which replied to the request for information (see annex). The responses of Governments reflected in the present report should be considered in the light of the report of the Secretary-General submitted to the Commission at its fifth session and in conjunction with the conclusions and recommendations of the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, held at Buenos Aires from 27 to 30 November 1995 (E/CN.15/1996/2 and Add.1, respectively). Pursuant to General Assembly resolution 51/120, and in compliance with its provisions, the Secretary-General pursued further consultations with Member States seeking their views on the text of the draft framework convention submitted to the General Assembly by the Government of Poland. In accordance

with that resolution, Member States were asked to submit their views not later than two months before the sixth session of the Commission. The results of those consultations will be brought to the attention of the Commission separately.

I. IMPLEMENTATION OF THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN

5. The process initiated by the World Ministerial Conference on Organized Transnational Crime has fostered an increasing worldwide awareness of the threat posed by organized crime and the measures that are necessary to best equip countries to react to that threat. The process has also continued to generate a wealth of information that needs to be systematized and analysed in order to draw up a well-structured programme of activities that would lead to the full and expeditious implementation of the Naples Political Declaration and Global Action Plan. The results of the continued consultations of the Secretary-General with Governments and relevant intergovernmental and non-governmental organizations are reflected in the following paragraphs, together with a summary of the information provided. A more extended version of the information provided to the Secretary-General throughout the consultation process, along with summaries of legislation provided, will be included in the central repository of information the Secretariat is currently establishing pursuant to Economic and Social Council resolution 1996/27.

A. Action by Member States

Austria

6. Austria indicated that its efforts in the prevention and control of organized transnational crime had been strengthened by a number of bilateral agreements on cooperation in organized transnational crime matters signed by its Federal Ministry of the Interior with its relevant counterparts in other countries. At the same time, the criminal code was being amended so as to improve the legal foundations of the fight against organized crime. Major revisions would include the revision of the offence concerning the setting up of a criminal organization with a view to specifying its essential elements, including its hierarchical structure, internal division of responsibilities and criminal activities usually carried out, and the inclusion of that offence in the list of those crimes which, even if committed in another country, can be prosecuted by the Austrian criminal justice system; strengthening the provisions for the forfeiture and confiscation of illicit proceeds; and the revision of the extradition law so as to comply with the requirements of the Schengen Agreement and to facilitate international cooperation and investigation.

Belarus

7. Belarus has experienced an aggressive growth in organized crime activities and criminal presence on its territory. Most organized crime groups have close links with groups operating in other countries of the region and are involved in trafficking in stolen vehicles, illicit drug trafficking, arms trafficking, counterfeiting of foreign currency (mostly United States dollars, deutsche mark and Russian roubles), money-laundering and smuggling of migrants, using the country as a transit State. The characteristics of those criminal groups, which closely resemble those of groups operating in other countries, their hierarchical structure, internal code of conduct, resources available and ability to penetrate the market, make local organized crime a highly dangerous feature for the newly established social and economic setting of Belarus. The Belarusian authorities are trying to react to that criminal aggression by reinforcing existing law enforcement agencies, strengthening cooperation with other countries, especially members of the Commonwealth of Independent States (CIS), and participating in international initiatives on preventing and controlling organized crime. In that context, Belarus pointed out that it had recently hosted an international seminar on organized crime, organized with the Council of Europe and attended by a number of eastern European countries, international organizations and individual experts.

The main conclusions of the seminar were that relevant international organizations should provide their assistance to countries in need, while the latter should make every possible effort to ratify existing relevant international instruments and to elaborate new ones aimed at combating organized transnational crime.

Bosnia and Herzegovina

8. Bosnia and Herzegovina indicated that its criminal legislation contained provisions that would allow it to deal with criminal acts carried out by organized crime groups. In particular, the country had witnessed during the war forms of crimes that, given their sophistication and the means employed, were classified as organized criminal activities, in particular illicit trafficking in stolen cars, passing of counterfeit banknotes, mostly United States dollars and deutsche mark, and suspicious financial transactions that were considered to cover up money-laundering schemes. Owing to the cross-border character of those criminal activities, Bosnia and Herzegovina recognized the importance of and was ready for cooperation with other members of the international community in fighting organized crime, starting with the regional level, where the Government was preparing a draft agreement to be signed with a neighbouring country on mutual assistance and collaboration in preventing and controlling organized crime, illicit trafficking in narcotic drugs and terrorism. Because of the limited resources available, Bosnia and Herzegovina would welcome the support of international organizations and other countries with experience in organized crime prevention and control, especially in the form of adequate equipment and training for law enforcement personnel and assistance in drafting legislation. At the same time, however, it regretted that a number of requests for extradition of common criminals submitted to the competent authorities of various other States had not yet been satisfied by the receiving countries, thus allowing criminals to escape justice.

Brazil

9. Brazil indicated that its activities against organized crime were focusing on two main areas, new legislation and international cooperation. As far as the first issue was concerned, two new laws had been passed that made carrying firearms a punishable offence and regulated the use of telephone surveillance, while draft legislation on money-laundering was under review. International cooperation had been strengthened by, *inter alia*, two bilateral agreements to trace illicit trafficking in firearms and to control car theft; a tripartite agreement on exchange of information on criminal activities in border areas; a protocol on mutual assistance in criminal matters, which Brazil had signed as a State member of the Common Market of the Southern Cone (MERCOSUR); and the ratification of the Panama convention.

Chile

10. Chile also approached the threat posed by organized transnational crime through the development of new legislation and strengthened international cooperation. Following the pattern set by the Naples Conference, a series of legislative measures had been developed in key areas of organized crime, such as illicit drug trafficking, money-laundering, trafficking in illegal migrants and firearms control. A new law concerning illicit drug trafficking and related money-laundering had been passed, which included measures already tested by other countries and, in particular, the protection of cooperating witnesses, including former criminals, and their families, and the use of controlled deliveries, undercover agents and surveillance techniques, which may provide useful information to investigate and prosecute such crimes. With a view to facilitating its cooperation with other countries, Chile had signed or acceded to a number of cooperation agreements and treaties on organized crime, terrorism, illicit trafficking in narcotic drugs, money-laundering, kidnapping of and trafficking in children and mutual legal assistance and extradition.

Colombia

11. Development of national legislation and action oriented towards strengthened international cooperation were also the main measures that Colombia was taking in its fight against organized transnational crime. In addition to establishing grounds for the increase of some penalties, changes were being made in criminal legislation concerning organized crime, trafficking in narcotic drugs, terrorism, arms trafficking and money-laundering. The most significant provisions enacted to prevent and control organized crime were those meant to eradicate crimes frequently carried out by organized crime, such as abduction and extortion, and measures to control corruption in the public service. At the international level, over the last decade, a number of treaties, agreements and other instruments on mutual assistance in criminal matters had been signed with several countries of various regions, in addition to an agreement with the European Union (EU) on precursors and chemical substances used in the illicit manufacture of narcotic drugs. A model agreement dealing with the diversion of precursors and chemical substances had also been drafted and shared with other countries with a view to strengthening cooperation in that field, while a bilateral agreement to control illicit trafficking in arms, explosives and ammunition had been proposed to two countries of the region.

Cook Islands

12. The Cook Islands pointed out that although organized transnational crime had not yet appeared within its territory, law enforcement authorities continued to be informed of developments overseas and had suggested to the relevant political authorities that they consider promulgating legislation to prevent and control organized transnational crime and that they also strengthen international cooperation in the field by acceding to relevant conventions and instruments.

Cyprus

13. In 1996, Cyprus introduced a new law on the prevention and suppression of money-laundering activities whose aim was to attack one of the most essential goals of organized crime, illicit profits. The law concerned laundering and predicate offences, thus allowing the prosecution of those who assisted in laundering the proceeds derived from one or more of the criminal acts indicated by the new law. The predicate offences included premeditated murder, illicit drug trafficking, arms trafficking and the use or the threat of use of force to acquire money or property illegally. The law also included relevant provisions to facilitate international cooperation, in particular within the States parties to the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, and provisions that established a unit and an advisory authority to combat money-laundering. While the unit was an entity with law enforcement duties, the authority was a technical body that provided the Government with policy guidelines on the implementation of the law and measures needed to implement it more effectively. Special provisions were also set by the law for a number of financial businesses to prevent the use of their services by criminals.

Czech Republic

14. The Czech Republic acknowledged that organized crime groups were finding suitable conditions to operate within its territory, mainly as a result of the social and economic changes taking place in the country. While, in many ways, new values and principles were affecting society in a positive way, the relatively young institutions were not always able to deal with criminal activities that were being carried out by organized transnational crime. Because of its location, the Czech Republic was being used as a transit country for the smuggling of illegal migrants, illicit drugs, stolen cars, arms and explosives and art objects. Other criminal activities included economic crime, corruption, racketeering and forgery. The Czech Republic, however, had already taken serious steps to confront this criminal wave on the basis of the Berlin Declaration on Increased Cooperation in Combatting Drug Crime and Organized Crime in Europe (1994) on intensifying cooperation in combating trade in narcotics and organized crime in Europe. Its strategy was based on a number of measures,

which were summarized as legislative provisions in the areas of proceeds of crime, improvement of law enforcement capabilities, relying on the assistance and expertise of other countries that had already experienced organized crime problems and had developed methods to prevent and control it, better coordination among the relevant national authorities and improved international cooperation.

Denmark

15. Denmark indicated that it was unable to provide information on the matter owing to lack of resources.

Estonia

16. Estonia submitted a report containing information on the structure and dynamics of organized crime groups operating on its territory. The Estonian criminal code considered as organized crime groups those criminal associations composed of three or more members who, on a constant basis and with identified functions, committed serious criminal offences; using that definition, the Estonian authorities reported that in the last decade more than 10 criminal associations had been identified in the country, 8 of them operating permanently since their formation in the mid-1980s. Criminal activities usually carried out by organized crime included extortion, car theft and trafficking, corruption, drug trafficking and money-laundering. Alarming signs had also emerged that criminal groups were trying to infiltrate legitimate businesses, especially banks and financial enterprises, and were trying to corrupt public officials charged with delicate tasks, such as border control or passport issuance. While most of the criminal groups investigated were composed of Estonians, it was reported that some of them had close contacts or stable relationships with criminal groups abroad. The Estonian authorities had taken steps to fight organized crime by proposing amendments to the criminal code to better prevent and punish offences that strengthened organized crime groups involved in activities such as extortion, gambling, prostitution and drug production.

Finland

17. Finland pointed out that the Naples Political Declaration was an important proof of the desire of Member States that the United Nations be involved in and make efforts towards preventing organized transnational crime, in particular by assisting the international community in developing and implementing practical measures to fight that type of crime. Finland had undertaken major reforms of its criminal legislation to strengthen its capacity to cooperate with other countries by ratifying international conventions and instruments or signing bilateral agreements with a number of countries, especially within Europe. Other pieces of legislation had been recently amended that made money-laundering a separate criminal offence and introduced corporate liability.

Greece

18. Greece indicated that although no legal provisions had been enacted that dealt with organized transnational crime in particular, its law enforcement agencies were operating against organized crime and making use of criminal legislation designed to tackle illicit drug trafficking, crimes related to firearms, money-laundering, trafficking in illegal migrants and other offences typically committed by organized crime groups, and that a number of characteristics of organized crime had been identified within the framework of EU and were being applied by national authorities to classify an illegal action as a form of organized crime. Particularly relevant was the legislation enacted to control money-laundering and criminal assets in general, which included a broad number of criminal activities whose revenues were to be disguised through money-laundering schemes, the reversal of the *onus probandi* as to the source of the assets for those who were sentenced for one of the crimes covered by the law and the obligation for financial institutions to report any suspect transaction to the competent authorities. Greece continued to cooperate with other countries, especially members of EU, to strengthen international cooperation against organized transnational crime.

Guatemala

19. Guatemala had not yet drawn up a policy to fight organized crime and thus lacked the required legislation, nor had it identified any international instrument that would permit it to participate in the prevention and control of organized crime.

India

20. India pointed out that organized crime was expanding its criminal activities in the country, especially through terrorism, illicit drug and arms trafficking, corruption, trafficking in illegal migrants, illicit economic activities, including money-laundering, fraud and counterfeiting, and theft of art objects. The Government of India had recognized the threat posed by organized transnational crime and measures had been taken at both the organizational and legislative levels by streamlining and reinforcing law enforcement agencies dealing with sophisticated forms of crime, as well as by drafting and passing legislation that dealt with, *inter alia*, terrorism, drug trafficking, smuggling of valuables and money-laundering. India also continued to attach importance to international cooperation, in particular by signing extradition treaties with a number of countries.

Japan

21. Bearing in mind relevant resolutions and recommendations adopted by the United Nations and other international forums, including the Naples Political Declaration and Global Action Plan, Japan was reviewing possible legislative measures for effectively combating organized crime. Specific legislative measures dealing with organized crime had been included in an anti-drug special law, which also contained provisions to facilitate international cooperation.

Mexico

22. Mexico indicated that its Parliament had just passed a federal law against organized crime following a presidential initiative to strengthen the rule of law and fight against that form of crime. Major features of the legislative action, which established clear rules for the investigation, prosecution, trial and punishment of criminal offences committed by members of organized crime groups, included the creation within the office of the Prosecutor-General of a specialized organized crime unit, as well as legal provisions concerning the use of surveillance of private communications if it was suspected that a criminal activity was being carried out by organized crime, the forfeiture of criminal proceeds, measures to strengthen the protection of judges, experts, cooperating witnesses and other parties to the trial process, and measures to strengthen international cooperation.

Morocco

23. Morocco expressed the need to strengthen the exchange of information and cooperation between countries, in particular in the field of law enforcement activities, exchange of personnel and assistance in training. Morocco was deeply concerned about the fight against organized crime, as witnessed by the number of legislative acts enacted to prevent and control illicit drug trafficking and trafficking in arms and explosives.

Poland

24. Poland pointed out that a number of initiatives had been taken in line with the conclusions and recommendations contained in the Naples Political Declaration and Global Action Plan. National legislation had been reviewed to strengthen the capacity of the country to deal with new forms of crime carried out by organized crime. In particular, money-laundering had been criminalized for predicate offences such as illicit drug trafficking, arms trafficking, forgery and extortion, and banks were being asked to ascertain the identity

of customers who carried out transactions exceeding an established amount and to inform the competent authorities if a transaction appeared to be intended to disguise the proceeds of a crime. New provisions were also introduced that increased penalties for participants in organized criminal groups and for certain criminal offences that were usually committed by organized crime. According to those provisions, persons sentenced for such crimes would serve their sentence in high-security prisons. The new laws would allow law enforcement agencies to rely upon the use of modern investigative techniques, such as electronic surveillance and controlled deliveries, as well as the use of unidentified witnesses. Poland had also taken measures to restructure its law enforcement agencies with a view to strengthening their capacity to cope with organized crime, establishing anti-organized crime units and raising the professionalism of law enforcement personnel, in particular through national and international training programmes and working seminars. Poland had ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 (the Vienna Convention) and its Parliament was reviewing the Convention on the Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of the Council of Europe with a view to acceding to it.

Saudi Arabia

25. Saudi Arabia was among those countries which had realized at an early stage the dangers posed by organized crime and had therefore taken several actions at both the national and international levels. Those measures included the establishment of a national standing committee composed of law enforcement officers and academic experts charged with undertaking research on various forms of crime usually carried out by criminal organizations and of a department of public security specialized in organized crime, as well as the development of specialized training programmes for law enforcement personnel and public awareness campaigns to sensitize the Saudi public to the dangers posed by organized crime. At the international level, the approach of Saudi Arabia was that of developing a constructive dialogue between all nations oriented towards the discussion and preparation of international legal instruments and the enhancement of inter-state cooperation.

Slovakia

26. Slovakia indicated that organized crime had become more and more aggressive and dangerous and that it was profiting from the phase of transition and change that the country was still experiencing. The Slovak authorities, concerned that illicit drug trafficking, terrorism, arms trafficking, fraud, money-laundering and other criminal activities being carried out by criminal groups with international connections might have a negative impact on the still relatively young national institutions and society in general, had taken steps to strengthen the law enforcement capacity of the national agencies, to create a better understanding among the population of the risks posed by organized crime and to reinforce international cooperation with a view to fighting internationally operating criminal groups.

Spain

27. Spain submitted a study on the structure and dynamics of organized transnational crime based on information collected at the national level by means of a questionnaire completed by all units of the judicial police. Data cover the origins of criminal organizations, the cooperation between criminal groups, the criminal activities carried out and the locations where organized crime groups are more present. On the basis of the information collected, Spain has developed a criminal policy that focuses in particular on law enforcement activity in the prevention and control of organized crime and the fight against terrorism, illicit drug trafficking and economic and financial crimes, including money-laundering.

Turkey

28. In addition to having ratified the 1988 Vienna Convention on Narcotic Drugs, Turkey's Parliament has recently passed a law against money-laundering that is designed to bring Turkey in line with other countries,

it having been realized that criminal organizations, especially those engaged in cross-border activities such as illicit drug trafficking, could be better attacked through the proceeds of their crimes. Turkey also noted recent incidents relating to the criminal activities of a terrorist group.

United States of America

29. The United States of America described the structure and dynamics of organized transnational crime groups operating in its territory, the approach that law enforcement agencies had taken to prevent and control their activities and the efforts that the Government was making through legislation and international cooperation to reduce the scourge organized crime posed to citizens. It highlighted certain characteristics and activities that identified criminal groups: continuing and self-perpetuating criminal conspiracy and an organized structure, fed by fear and corruption and motivated by greed. Such organizations maintained their position through the use or threat of violence, corruption of public officials, graft or extortion. Major criminal activities in which organized transnational crime was engaged were violent behaviour and the use of bribery, graft and extortion that could lead to the subversion of the political, social and economic infrastructure, drug trafficking, terrorist activities, kidnapping, prostitution, counterfeiting of currencies, manipulation of financial institutions and markets, international money-laundering and financial fraud, arms smuggling, alien smuggling and computer crime. More than any other area of crime, organized crime had made the internationalization of law enforcement imperative. The lead United States law enforcement agency, the Federal Bureau of Investigation, was actively engaged in tracking organized transnational crime within the national territory and abroad, in cooperation with sister organizations in other countries. The analysis of methods and operations of organized crime had led to the identification of evidence that should be kept in mind when dealing with the issue and devising strategies to react. Those features included the purpose of organized crime, which was to acquire profits; member loyalty, based on ethnicity and family considerations; and methods of operation, which included corruption of government officials. Since organized transnational crime respected no boundaries, the United States submitted that the first priority of the international law enforcement community was the dismantling of organized transnational crime groups through improved coordination of international and domestic investigations. Law enforcement activities against organized crime were being carried out through 23 strike force units, which collaborated with all national law enforcement agencies - state, federal and local - and legislation had been passed and implemented that dealt with the most prominent criminal offences carried out by organized crime. The United States was active on the international scene both at the bilateral level, where it carried out joint operations and cooperated with many countries of different regions, and at the multilateral level, through supporting the work of the United Nations in preventing and controlling crime, as well as through the cooperation with its partners of the Group of Seven major industrialized countries plus the Russian Federation (G-7/P-8) to coordinate efforts against transnational organized crime. The United States also participated in efforts to coordinate action against corruption, money-laundering and drug trafficking and in other areas relevant to organized transnational crime with the Organization of American States (OAS), the Council of Europe, EU and other relevant international organizations.

B. Action by the Secretariat

30. In compliance with the mandates received by the international community to study measures to prevent and control the fight against organized transnational crime, the Crime Prevention and Criminal Justice Division of the Secretariat began the development of a structured programme of activities intended to promote the full implementation of the Naples Political Declaration and Global Action Plan.

31. The Division has continued to collect and analyse information provided by Member States and relevant organizations with a view to informing the Commission about developments in the action taken at the international level against organized transnational crime. In addition to that ongoing work, the Division has undertaken a number of practical activities whose aim was to assist countries in need, verify the status of

international cooperation in the field and strengthen the ability of national criminal justice systems to deal with new and sophisticated forms of crime.

32. Since the adoption of the Naples Political Declaration and Global Action Plan, technical assistance and advisory services have been provided in the context of a number of initiatives. From 27 to 30 November 1995, the Division organized the first Regional Ministerial Workshop, held at Buenos Aires and hosted by the Government of Argentina. From 10 to 12 June 1996, the Division organized, jointly with the Organization for Security and Cooperation in Europe (OSCE) and in cooperation with the United Nations International Drug Control Programme (UNDCP), a seminar for five central Asian countries, entitled "Drugs and crime: new challenges". The seminar, held at Bishkek, was intended to examine ways to strengthen the prevention and control of organized transnational crime, including illicit drug trafficking, and to assess the needs for technical cooperation in the region. The participants expressed deep concern at the aggravation of the situation of organized transnational crime, including illicit drug trafficking, corruption and money-laundering, experienced throughout the region and emphasized the threat posed by those forms of criminal activity to government structures and democratic institutions and to the population in general. The seminar concluded that action was needed at both the national and international levels to allow the countries to react to organized crime. At the national level, an examination of the causes and conditions that facilitated the growth of organized crime should be undertaken, along with the creation of a database on organized crime activities and the expansion of mutual cooperation and assistance in criminal matters. At the international level, the participants felt that the United Nations and other relevant international organizations should strengthen the provision of technical assistance and advisory services to the countries of the region, and called for the acceleration of the process of developing an international convention against organized transnational crime.

33. In order to continue the process of regional consultations on the Naples Political Declaration and Global Action Plan, the Division will organize a regional ministerial meeting for Africa in 1997, jointly with the Government of Senegal and with the assistance of the Agency for Technical and Cultural Cooperation of the Government of France. The meeting will analyse the situation of organized crime in the region and will endeavour to set out policy options to prevent and control organized crime activities in Africa, in particular illicit trafficking, corruption and economic crimes.

34. Technical assistance to support the criminal justice system of countries in need also took the form of advisory and needs assessment missions, which were followed up by the formulation of project proposals to strengthen national law enforcement capacities and cooperation among States. Such proposals, for which funding is still sought, include one project designed to provide assistance in strengthening judicial cooperation among African States in their fight against organized transnational crime. That project will include a survey on transnational organized crime in Africa; a conference, to be attended by west African and other interested States, to initiate cooperation and practical action against organized transnational crime in the region; the implementation of a plan of action to establish criminal police coordinating units; and two subregional training seminars on action against organized crime. The importance of controlling the spread of organized crime in the region and enabling the national criminal justice systems to deal with the threat was also recognized by the development of a project that would encompass two training seminars in the application of the Convention on Mutual Assistance in Criminal Matters of the Economic Community of West African States (ECOWAS), with a focus on extradition and organized transnational crime, for judges, prosecutors and police officers from west African States.

35. Project proposals for institution-building and strengthening national capacities to prevent and control organized transnational crime were also developed and submitted to possible donors for funding. Generated as a result of missions carried out for the Division by the interregional advisers for crime prevention and criminal justice, the projects were designed taking into account the specific needs of the requesting countries. Their main objectives include assistance in drafting and implementing up-to-date legislation in the field of preventing and controlling organized transnational crime and associated criminal activities; assistance to

selected government departments in meeting problems raised by the legal reform process through training and the provision of short-term expertise; and strengthening of the criminal justice system capacity to fight organized crime, also in cooperation with international counterparts.

36. The Commission on Crime Prevention and Criminal Justice, at its fifth session, proposed the establishment of a central repository for information on legislation, regulatory measures, organizational structures designed to prevent and control organized transnational crime and bilateral and multilateral cooperation agreements. The implementation of this new mandate, endorsed by the Economic and Social Council in its resolution 1996/27, was immediately started by the Division with a view to initiating delivery by the end of 1997 of the services required within the framework of a systematic programme of activities.

37. The repository will be based on the information on national legislation, organizational structures and international cooperation arrangements that the Division has already collected and will continue to collect. The information and data will be systematized in a database format, using software and a framework similar to that on which UNDCP is relying for the purpose of the database being developed, jointly with the Division, in the context of the global programme on money-laundering. The information contained in the repository will be made available to Member States in non-electronic and electronic form through the United Nations Crime and Justice Information Network (UNCJIN) and the Internet home page of the Division, and will consist of multiple tables designed to group the available information in several categories, plus an index. Further, the repository will contain summaries of cross-referenced legislative texts and will be accompanied by brief commentaries and legislative history.

38. In order to assist countries in need and to render more operational its technical assistance activities, the Division, as requested by the Economic and Social Council in its resolution 1996/27, will also develop a training manual for specialized law enforcement and investigative personnel on action against organized transnational crime. The training manual would be designed taking into account differences in legal systems.

C. Action by other entities of the United Nations system, including the Crime Prevention and Criminal Justice Programme network

39. The African Institute for the Prevention of Crime and the Treatment of Offenders pointed out that a notable feature regarding organized transnational crime in Africa was the non-availability of reliable and comparative information. The African Institute, however, had been gathering information from African countries that demonstrated that the region was not immune to the transnationalization of criminal activities, especially economic and organized crime, illicit drug trafficking, money-laundering and illegal smuggling of goods and valuables. An alarming feature highlighted by the Institute was that, while the objectives of the criminal organizations remained essentially economic, they could represent an increasingly serious threat to the economy of a country and to democratic values and public morality. On the other hand, the economies of some African countries were crisis-ridden to the extent that Governments and financial institutions might not realistically discriminate in the type of funds they could accept. The Institute suggested that urgent measures be taken to facilitate the process of harmonization of laws, since differences in national legislation might impede successful action against organized crime, and to establish a framework for inter-state cooperation and coordination in compiling information, sharing intelligence, freezing or confiscating criminal assets and extraditing fugitives. Finally, the Institute proposed that a high-level seminar for policy makers in the field be organized to implement the provisions of the Naples Political Declaration and Global Action Plan.

40. The Australian Institute of Criminology was keeping the issue of organized transnational crime under study through its Sophisticated Crime Team, whose work had been reflected in various publications on transnational crime, money-laundering, computer crime and crime control.

41. The activities of the International Centre for Criminal Law Reform and Criminal Justice Policy continued to reflect the priority that the United Nations attached to organized transnational crime. The technical assistance programmes carried out by the Institute included segments on organized crime, corruption and money-laundering.

42. Although not directly concerned with the subject of organized transnational crime, the United Nations Environment Programme (UNEP) pointed out that its work on the broader subject of illegal activities affecting the environment included carrying out studies and initiatives in the context of the administration of various international instruments, such as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora. The latter, in particular, had enabled the Programme to cooperate closely with ICPO/Interpol and other law enforcement bodies.

43. The International Civil Aviation Organization (ICAO) provided a number of international law instruments that deal with offences and other criminal acts committed on board aircraft or against the safety of civil aviation and contain provisions of some relevance to the subject matter, in particular those referring to hijacking and the manufacture of unmarked plastic explosives.

44. The Universal Postal Union (UPU) has recently signed a number of memoranda of understanding with other international organizations, including ICPO/Interpol and the Customs Cooperation Council (also known as the World Customs Organization), with a view to combating crime committed via postal services, and that it had created a postal security action group to address all matters concerning postal security, including preventing and controlling fraud and crime.

D. Action by intergovernmental and non-governmental organizations

45. The Caribbean Community (CARICOM) regretted that, in the absence of a central repository of regional information on the issue at hand, it was not in a position to provide accurate information. However, on the occasion of the Regional Meeting on Drug Control Cooperation, convened by UNDCP at Bridgetown from 15 to 17 May 1996, it had been recognized that there was a major gap in the region in the area of information gathering and analysis on drug trafficking and other criminal activities carried out by organized transnational crime.

46. CIS had undertaken a number of initiatives for the drafting of multilateral treaties on action to combat transnational organized crime, since CIS member States were experiencing a significant increase in serious crime of a transnational nature committed by organized criminal groups. Among the criminal offences committed by such groups were illicit drug trafficking, money-laundering, trafficking in arms and military equipment, economic crime, car theft, counterfeiting of currency and contract killing. CIS countries had realized the serious threat posed to their social, political and economic systems by criminal aggression and they were developing defensive measures, which included law enforcement cooperation, harmonization of existing criminal laws and drafting of new legislation, and multilateral treaties. Work was also being carried out to strengthen the capacity of law enforcement agencies and to conduct studies on problems associated with organized crime, with a view to preparing training curricula and manuals for law enforcement personnel and organizing conferences and meetings of policy makers and experts to exchange views and information on criminal phenomena and methods to prevent and control organized crime.

47. The Commonwealth Secretariat was compiling a collection of national laws of its members designed to assist in preventing and controlling money-laundering by providing legislative precedents for countries that needed them and information on issues relating to investigation, prosecution and international cooperation.

48. In connection with the issue of multilateral treaties instrumental in the fight against organized transnational crime, the Council of Europe pointed to a number of conventions prepared and adopted within the framework of the Council of Europe, including the European Convention on Extradition and its Additional Protocols, the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocol, the European Convention on the International Validity of Criminal Judgements, the European Convention on the Transfer of Proceedings in Criminal Matters, the European Convention on the Suppression of Terrorism, the Additional Protocol to the European Convention on Information on Foreign Law, the European Convention on the Control of the Acquisition and Possession of Firearms by Individuals, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and the Agreement on Illicit Traffic by Sea.

49. The Financial Action Task Force on Money-Laundering was cooperating closely with other international organizations on the issue of money-laundering. In particular, the Task Force was carrying out work with the Crime Prevention and Criminal Justice Division on the money-laundering issues covered by the implementation of the Naples Political Declaration and Global Action Plan, and was contributing to the anti-money-laundering database being developed by the UNDCP and the Division, in the context of the global programme on money-laundering, developed and currently being implemented by the two entities.

50. The International Association of Penal Law (IAPL) indicated that its next world congress, to be held at Budapest in 1999, would focus on the challenge posed to criminal law by organized crime. With a view to preparing for the world congress, the national sections of the Association present in some 90 countries were organizing regional pre-congress meetings so as to identify the most important issues related to the subject.

51. In 1992, the International Chamber of Commerce (ICC) established a specialized division, the Commercial Crime Services, to combat the increase in commercial fraud, malpractice in the public and private sectors, forgery of documentation and the theft of cargoes, all crimes that require a high degree of organization and specialization in order to be carried out. The approach proposed by the division included vetting, authentication of documents, investigations and training.

52. ICPO/Interpol described several initiatives being carried out on various organized crime-related topics. In particular, ICPO/Interpol continued to study various forms of organized transnational crime, including illicit drug trafficking, trafficking in stolen vehicles, money-laundering and economic fraud. It also continued to organize yearly symposiums on organized crime, attended by law enforcement officers, whose main aim was to find ways of tackling organized crime by concentrating on collecting, processing, analysing and disseminating intelligence on international organized crime groups through the ICPO/Interpol network. The ICPO/Interpol Organized Crime Group had the task of coordinating symposiums on international organized crime groups, analysing data provided by participating countries and preparing reports on criminal connections and developing a methodology to identify the structure, operations and modus operandi of organized transnational crime groups.

53. The Organization of American States (OAS) pointed out that the Inter-American Convention on Mutual Assistance in Criminal Matters and its Protocol was a multilateral instrument, developed within the OAS framework, which dealt with issues related to organized transnational crime.

54. The South Pacific Forum pointed out that since 1994 a law enforcement programme had been started, following the 1992 declaration on law enforcement cooperation by the South Pacific Forum leaders. The programme, focusing primarily on legislative drafting assistance and on training for law enforcement personnel dealing with drug trafficking, money-laundering and economic crime, assisted customs and police agencies to improve their drug enforcement capabilities and to increase the level of communication, intelligence exchange and cooperation among regional agencies.

E. Other major international initiatives

55. Positive signs of coordinated approach and international cooperation, in particular through multilateral mechanisms, have begun to appear in the fight against organized transnational crime. Two different forums, each having its own particular significance, recently expressed their concern at the aggression of organized crime. The members of the Group of Seven major industrialized countries, on the occasion of their summit held at Lyons, France, from 27 to 29 June 1996, welcomed the work of the Senior Expert Group on Transnational Organized Crime, appointed at the Halifax summit to review how to counter the rapid development of that form of crime, and committed themselves to taking a number of practical measures to prevent and control organized crime, in particular by mobilizing the other members of the international community and supporting existing institutions that deal with the issue, including the United Nations, ICPO/Interpol and the World Customs Organization (see A/51/208-S/1996/543, annex I). The Senior Expert Group, which was also asked to ensure the active follow-up of the implementation of the 40 recommendations it had prepared, continued to meet and to examine various issues relating to international action against organized crime, including the question of the elaboration of a convention against organized transnational crime and the work that is being carried out by the Commission on Crime Prevention and Criminal Justice with a view to increasing cooperation and coordinated action between the Group of Seven and the relevant United Nations entities.

56. Similarly, the Group of 77, on the occasion of the twentieth annual meeting of Ministers for Foreign Affairs, held at United Nations Headquarters on 27 September 1996, acknowledged that the new forms of transnational criminal activities, in particular drug trafficking, called for enhanced international cooperation and required the formulation of new strategies that, respectful of the sovereignty of States, could deal more effectively with the operations of those involved in illicit drug and arms trafficking, money-laundering and other criminal activities (see A/51/471, annex).

II. PROPOSALS FOR THE CONSIDERATION OF THE COMMISSION

57. The follow-up to the Naples Political Declaration and Global Action Plan has generated both a focused discussion on the issue of organized transnational crime, as well as a wealth of information that would need systematization and analysis to be transformed into practical tools, in particular model legislation, training for law enforcement and advisory assistance for the reform of the criminal justice system.

58. It has also become clear that the problems created for countries by organized transnational crime may be solved only through the adoption and implementation of measures that could comprise up-to-date legislation to deal with this criminal phenomenon; increased capacity of criminal justice systems to enforce existing legislation and control organized transnational crime; strengthened ability to gather and analyse reliable information on organized crime activities, with a view to devising preventive and control policies; and more effective inter-state cooperation when investigating, prosecuting or judging organized transnational crime offences.

59. Although organized crime has historically been a difficult issue to study and investigate for both law enforcement officers and researchers, because of its illegal character and the secrecy it requires to preserve its criminal foundations, slowly, and with many difficulties, a body of useful information is being put together by the United Nations and made available to Member States so that they may evaluate the threat posed by organized transnational crime and the capacity of law enforcement and criminal justice systems to respond to it. However, organized transnational crime being an ever-changing phenomenon, such a body of information will only retain its effectiveness if it is constantly updated and reviewed by the United Nations with the assistance of as many contributors as possible.

60. The importance attached by the international community to the fight against organized transnational crime, in particular during the celebration of the fiftieth anniversary of the United Nations, during sessions of the Commission on Crime Prevention and Criminal Justice and in various other high-level forums, can be translated into concrete action through the further development of a comprehensive programme of work. Building on the work already under way, the Commission may wish to consider the following activities, as part of a programme of work to be implemented within the biennium 1998-1999, to assist the international community in consolidating and strengthening action against organized transnational crime:

(a) Maintenance and expansion of the central repository, with a view to updating it on a yearly basis. This activity would be crucial to making the repository into a truly useful tool for the international community to monitor developments in legislation, policies and strategies against organized transnational crime;

(b) Provision of assistance to Member States to collect and systematize information and data. This may be carried out by the Division, which would identify and engage experts from all regions to design a comparative study on the situation of organized crime to be implemented in selected countries and regions by national consultants. The information collected by the national consultants for the study would be declared valid by concerned Member States before being used in the study or entered into the repository. The results of the study, which would also benefit from input provided by the interregional and regional institutes on crime prevention and control affiliated or associated with the United Nations, would be submitted to an expert group for finalization and for the formulation of appropriate recommendations for consideration by the Commission at its eighth session;

(c) The Division could also be mandated to develop model legislation and training manuals for law enforcement personnel, which would be reviewed and finalized by an expert consultation process, and would form the backbone of the Division's advisory services and training activities.

61. The structure of a work programme on organized transnational crime should consist of three main elements: reliable knowledge for informed decision-making; provision of assistance in the legislative and regulatory fields; and advisory services and training. The activities included in the proposed work programme would need to be carried out in a complementary way and with a forward-looking approach, as they represent the skeleton of any rational and coordinated action against organized crime at the international level.

62. Subject to availability of extrabudgetary resources, the Division could also be mandated to provide training and advisory services and to formulate projects for those countries requiring assistance in implementing the Naples Political Declaration and Global Action Plan. In particular, assistance may be provided at the regional or subregional levels, taking into account common problems and requirements and on the basis of prior experience gained by the Division on the occasion of the 1995 Buenos Aires Regional Ministerial Workshop and the 1996 subregional meeting at Bishkek.

63. The Commission would be apprised of progress in the implementation of the proposed activities at its seventh session and would thus have the opportunity to decide on the further development of the programme of work at that time.

Annex

LIST OF ENTITIES RESPONDING TO THE SECRETARY-GENERAL'S REQUEST FOR INFORMATION

1. *United Nations*

Department for Development Support and Management Services
Division for the Advancement of Women

Economic Commission for Latin America and the Caribbean

United Nations Conference on Trade and Development
United Nations Environment Programme
United Nations Centre for Human Settlements (Habitat)
United Nations University

European Institute for Crime Prevention and Control, affiliated with the United Nations
African Institute for the Prevention of Crime and the Treatment of Offenders

Australian Institute of Criminology
International Centre for Criminal Law Reform and Criminal Justice Policy

International Civil Aviation Organization
World Bank
Universal Postal Union
International Maritime Organization

2. *Intergovernmental and non-governmental organizations*

African Development Bank
Caribbean Community
Commonwealth of Independent States
Commonwealth Secretariat
Council of Europe
Financial Action Task Force on Money-Laundering
International Association of Penal Law
International Chamber of Commerce
International Criminal Police Organization (ICPO/Interpol)
International Organization for Standardization
International Social Security Association
Japan Federation of Bar Associations
Law Association for Asia and the Pacific
Organization of American States
Organization for Economic Cooperation and Development
South Pacific Forum